

9. The method according to claim 1 in which said difference is one of tactile perception, which is accomplished by;

causing said signage donor element material to have a thickness dimension significantly different than the thickness dimension of said recipient base element; whereby said signage donor element is inset or projects from said recipient base.

AB

Remarks

The Examiner objected to the claims as being defective for having various informalities. Applicant has corrected this in the amended claims submitted herewith. Applicant believes that the submitted claims fulfill the statutory requirements. Thus, no further correction is needed.

Rejections under 35 U.S.C. §112

On page 2 of the Office Action, the Examiner rejected claims 1-11 under 35 U.S.C. 112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-11 have been amended in order to clear the indefiniteness from its respective limitations, and thus should be allowable. Accordingly, the claims should be in condition for allowance.

Rejections under 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected claims 1 and 8-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,874,500 to Patterson (Patterson

‘500). Applicant respectfully traverses this rejection.

Patterson ‘500 discloses a method for securing an object to a smooth surface by affixing a layer of thermal responsive adhesive to the surface, supplying heat to the object apart from the surface containing the thermal responsive adhesive, pressing the preheated object against the adhesive layer of the smooth surface, and thereafter allowing the adhesive to cool under pressure so as to create and maintain the adhesive bond between the object and the surface. Patterson ‘500 further discloses that a template may be used as a guide for positioning the object to be adhered to the surface.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Patterson ‘500 reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1, as amended, recites:

1. A method for fabricating a sign, comprising the steps of:
 - selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, said pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception;
 - determining signage content for said sign;
 - removing from said recipient base element specific substance configured to represent said signage content, such that there remains as said recipient base element, a base having recipient cutout shapes possessing said signage content;

extracting from said signage donor element signage material configured substantially the same as said signage content specific substance of said recipient base element; and

inserting into said recipient base element having recipient cutout shapes, said signage material from said donor element, to thereby fill in said base having recipient cutout shapes.

Patterson '500 does not anticipate claims 1 or 8-11 because it does not show the removal from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from said donor element, to thereby fill in the base having recipient cutout shapes. Rather, Patterson '500 discloses using a method for securing an object to a smooth surface by affixing a layer of thermal responsive adhesive to the surface, supplying heat to the object apart from the surface containing the thermal responsive adhesive, pressing the preheated object against the adhesive layer of the smooth surface, and thereafter allowing the adhesive to cool under pressure so as to create and maintain the adhesive bond between the object and the surface. Therefore, Patterson '500 does not anticipate claims 1 or 8-11.

Further, Patterson '500 does not render the present claims 1 or 8-11 obvious because it teaches away from the claimed invention. The claims of the instant application recite a method for fabricating a sign, including the steps of selecting three dimensional

pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, the pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception; determining signage content for the sign; removing from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from said donor element, to thereby fill in the base having recipient cutout shapes. Specifically, Patterson '500 fails to disclose removal from the recipient base element a specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes, and rather discloses a method using thermal adhesive to attach an object to a surface. Thus, Patterson's disclosure of a method to thermally adhere objects to a smooth surface using a thermal responsive adhesive is contrary to the claimed invention.

Additionally, with respect to Figure 1, Patterson '500 discloses a method of securing an object to a smooth surface by affixing a layer of thermal responsive adhesive

to the surface, heating the object away from the surface, then pressing the preheated object against the surface using a template as a guide for positioning the object while allowing the object to cool. Again, the method of thermally adhering objects to a smooth surface of Patterson '500 cannot be arranged into the method for fabricating signs of Applicant's invention. The method for fabricating signs, as illustrated in Figures 1-6 of the present invention, discloses a method of fabricating signs quite different from the method for thermally adhering objects to smooth surfaces discussed in Patterson '500.

Therefore, since Patterson '500 fails to teach or disclose the use of a method for fabricating a sign including the removal from the recipient base element a specific substance configured to represent the signage content, such that there remains as the recipient base element a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes, Applicant respectfully submits Patterson '500 does not anticipate or render obvious any of the pending claims. Accordingly, claims 1 and 8-11 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

On page 4 of the Office Action, the Examiner also rejected claims 1-4 and 6-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,591,779 to Buck (Buck '779). Applicant respectfully traverses this rejection.

Buck '779 discloses a preformed sign unit having a reflective sign character made of thin and flexible sheet material and having on one side a reflective display surface and

having a strong adhesive on the other side, a carrier element that reinforces the character and aiding in the character's handling prior to installation, and a protective covering sheet that is stripped free when the character is installed on a sign surface. Buck '779 further discloses variations of adhesive types used and placement thereof, as well as variations of methods of placing the reflective letters onto a sign-surface.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Buck '779 reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1, as amended, recites:

1. A method for fabricating a sign, comprising the steps of:
 - selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, said pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception;
 - determining signage content for said sign;
 - removing from said recipient base element specific substance configured to represent said signage content, such that there remains as said recipient base element, a base having recipient cutout shapes possessing said signage content;
 - extracting from said signage donor element signage material configured substantially the same as said signage content specific substance of said recipient base element; and
 - inserting into said recipient base element having recipient cutout shapes, said signage material from said donor element, to thereby fill in said base having

recipient cutout shapes.

~~B~~uck '779 does not anticipate claims 1-4 and 6-8 because it does not show the removal from the recipient base element a specific substance configured to represent the signage content, such that there remains as the recipient base element a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes. Rather, Buck '779 discloses using a reflective sign character made of thin and flexible sheet material and having on one side a reflective display surface and having a strong adhesive on the other side, a carrier element that reinforces the character and aiding in the character's handling prior to installation, and a protective covering sheet which is stripped free when the character is installed on a sign surface. ~~T~~here is no disclosure to show removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes. Therefore, Buck '779 does not anticipate claims 1-4 and 6-8.

Further, Buck '779 does not render the present claims 1-4 and 6-8 obvious because it teaches away from the claimed invention. The claims of the instant application recite a method for fabricating a sign, including the steps of selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, the pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception; determining signage content for the sign; removing from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from said donor element, to thereby fill in the base having recipient cutout shapes. ~~Specifically, Buck '779 fails to disclose removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes.~~ Thus, Buck '779's disclosure of a reflective sign character made of comparatively thin and flexible sheet material which is adhesively

applied to a sign-supporting surface from which no material is removed is contrary to the claimed invention.

Additionally, with respect to Figure 5, Buck '779 discloses a method of adhesively attaching a reflective sign character to a sign-support surface, a surface from which no material is removed. Again, the method of adhesively attaching a reflective sign character of Buck '779 cannot be arranged into the method for fabricating signs of Applicant's invention. The method for fabricating signs, as illustrated in Figures 1-6 of the present invention, discloses a method of fabricating signs quite different from the method for adhesively attaching a reflective sign character as discussed in Buck '779.

Therefore, since Buck '779 fails to teach or disclose the use of a method for fabricating a sign including the removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes, Applicant respectfully submits Buck '779 does not anticipate or render obvious any of the pending claims. Accordingly, claims 1-4 and 6-8 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

On page 6 of the Office Action, the Examiner additionally rejected claims 1, 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,461,583 to Buck (Buck '583). Applicant respectfully traverses this rejection.

Buck '583 discloses a display assembly comprising a template of light relatively rigid cellular material having apertures formed therein to accommodate indicia adapted to be applied to a surface in a predetermined manner and arrangement, indicia disposed in said apertures having a friction fit with the walls of said apertures of the template, pressure sensitive adhesive means on the rear surface of each of the indicia to adhere the indicia to the wall, and film means releasably covering the pressure sensitive adhesive means.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Buck '583 reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1, as amended, recites:

1. A method for fabricating a sign, comprising the steps of:
 - selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, said pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception;
 - determining signage content for said sign;
 - removing from said recipient base element specific substance configured to represent said signage content, such that there remains as said recipient base element, a base having recipient cutout shapes possessing said signage content;
 - extracting from said signage donor element signage material configured substantially the same as said signage content specific substance of said recipient base element; and

inserting into said recipient base element having recipient cutout shapes, said signage material from said donor element, to thereby fill in said base having recipient cutout shapes.

Buck '583 does not anticipate claims 1, 4 and 5 because it does not show the removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes. Rather, Buck '583 discloses a display assembly comprising a template of light relatively rigid cellular material having apertures formed therein to accommodate indicia adapted to be applied to a surface in a predetermined manner and arrangement, indicia disposed in said apertures having a friction fit with the walls of said apertures of the template, pressure sensitive adhesive means on the rear surface of each of the indicia to adhere the indicia to the wall, and film means releasably covering the pressure sensitive adhesive means. ~~Where~~ is no disclosure to show removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor

element, to thereby fill in the base having recipient cutout shapes. Therefore, Buck '583 does not anticipate claims 1, 4 and 5.

Further, Buck '583 does not render the present claims 1, 4 and 5 obvious because it teaches away from the claimed invention. The claims of the instant application recite a method for fabricating a sign, including the steps of selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, the pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception; determining signage content for the sign; removing from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from said donor element, to thereby fill in the base having recipient cutout shapes. Specifically, Buck '583 fails to disclose removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes. Thus, Buck '583's disclosure of a display assembly

having a template of light relatively rigid cellular material having apertures formed therein to accommodate indicia adapted to be applied to a surface in a predetermined manner and arrangement, indicia disposed in the apertures having a friction fit with the walls of said apertures of the template, pressure sensitive adhesive means on the rear surface of each of the indicia to adhere the indicia to the wall, and film means releasably covering the pressure sensitive adhesive is contrary to the claimed invention.

Additionally, with respect to Figure 4, Buck '583 discloses a method of adhesively attaching indicia with the use of a template to a sign surface, a surface from which no material is removed. Again, the method of adhesively aligning and attaching indicia of Buck '583 cannot be arranged into the method for fabricating signs of Applicant's invention. The method for fabricating signs, as illustrated in Figures 1-6 of the present invention, discloses a method of fabricating signs quite different from the method for adhesively attaching a reflective sign character as discussed in Buck '583.

Therefore, since Buck '583 fails to teach or disclose the use of a method for fabricating a sign including the removal from a recipient base element a specific substance configured to represent a signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes, Applicant respectfully submits Buck '583 does not anticipate or render

obvious any of the pending claims. Accordingly, claims 1, 4 and 5 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

Conclusion

Having analyzed the rejections cited against the claims, it is urged that the present claims are in condition for allowance. A favorable reconsideration is requested. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

A marked version of the amended claims showing where changes have been made is attached hereto.

Respectfully submitted,

By: 
Robert M. Schwartz, Reg. No. 29,854
RUDEN, McCLOSKY, SMITH,
SCHUSTER & RUSSELL, P.A.
200 East Broward Boulevard
Fort Lauderdale, Florida 33301
Tel.: (954) 527-6252
Fax: (954) 333-4252

Date: July 14, 2003

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on July 14 2003.



Vernice V. Freebourne

July 14, 2003

Date

**AMENDMENT TO CLAIMS SHOWING
WHERE CHANGES HAVE BEEN MADE**

1. A method for fabricating a sign, comprising the steps of:
 - selecting three dimensional pieces of element material for defining respectively a signage recipient base element and at least one signage donor element, said pieces of element material being of similar substance construction, except for at least one difference in appearance or tactile perception;
 - determining signage content for said sign;
 - removing from said recipient base element specific substance configured to represent said signage content, such that there remains as said recipient base element, a base having recipient cutout shapes [stencil-like base] possessing said signage content;
 - extracting from said signage donor element signage material configured substantially the same as said signage content specific substance of said recipient base element; and
 - inserting into said [stencil-like base] recipient base element having recipient cutout shapes, said signage material from said donor element, to thereby fill in said [stencil-like] base having recipient cutout shapes.
6. The method according to claim 1 in which one of said pieces having a color different than said other piece; whereby said signage donor element has a color different from said recipient base color.

7. The method according to claim 1 in which said selecting is of three said pieces, each said piece having a difference of color; whereby said signage donor element is of two colors, both different from the color of said recipient base.

9. The method according to claim 1 in which said difference is one of tactile perception, which is accomplished by;

causing said signage donor element material to have a thickness dimension significantly different than the thickness dimension of said recipient base element; whereby said signage donor element is inset or projects from said recipient base.